



General Assembly

February Session, 2000

***Raised Bill No. 5616***

LCO No. 1547

Referred to Committee on Judiciary

Introduced by:  
(JUD)

***An Act Concerning Seized Currency.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Subsection (b) of section 54-36a of the general statutes, as amended  
2 by section 5 of public act 99-247, is repealed and the following is  
3 substituted in lieu thereof:

4 (b) (1) Whenever property is seized in connection with a criminal  
5 arrest or seized pursuant to a search warrant without an arrest, the law  
6 enforcement agency seizing such property shall file, on forms  
7 provided for this purpose by the Office of the Chief Court  
8 Administrator, an inventory of the property seized. The inventory,  
9 together with the uniform arrest report, in the case of an arrest, shall be  
10 filed with the clerk of the court for the geographical area in which the  
11 criminal offense is alleged to have been committed; except, when the  
12 property is stolen property and, in the opinion of the law enforcement  
13 officer, does not exceed two hundred fifty dollars in value, or when an  
14 attempt was made to steal the property but the property at all times  
15 remained on the premises in a sealed container, the filing of an  
16 inventory shall not be required and such property may be returned to  
17 the owner. In the case of property seized in connection with a search

18 warrant without an arrest, the inventory shall be attached to the  
19 warrant and shall be filed with the clerk of the court for the  
20 geographical area in which the search warrant was issued. If any  
21 criminal proceeding is transferred to another court location, then the  
22 clerk with whom the inventory is filed shall transfer such inventory to  
23 the clerk of the court location to which such action is transferred. (2) If  
24 the seized property is stolen property, within ten days of the seizure,  
25 the law enforcement agency seizing the property shall notify the  
26 owner of the property if known, or, if the owner of the property is  
27 unknown at the time of seizure, such agency shall within ten days of  
28 any subsequent ascertainment of the owner notify such owner, and, on  
29 a form prescribed by the Office of the Chief Court Administrator,  
30 advise the owner of his rights concerning the property and the location  
31 of the property. Such written notice shall include a request form for the  
32 return of the property. The owner may request the return of the  
33 property by filing such request form with such law enforcement  
34 agency, and upon receipt of such request, the law enforcement agency  
35 shall forward it to the clerk of the court for the geographical area in  
36 which the criminal offense is alleged to have been committed. The  
37 clerk of the court shall notify the defendant or defendants of the  
38 request to return the property. The court shall order the return of the  
39 property within thirty days of the date of filing such return request by  
40 the owner, except that for good cause shown, the court may order  
41 retention of the property for a period to be determined by the court.  
42 Any secondary evidence of the identity, description or value of such  
43 property shall be admissible in evidence against such defendant in the  
44 trial of such case. The fact that the evidence is secondary in nature may  
45 be shown to affect the weight of such evidence, but not to affect its  
46 admissibility. (3) If the seized property is currency, the law  
47 enforcement agency seizing the property may deposit the currency in a  
48 [safe deposit box in a financial institution in this state. No funds may  
49 be removed from such safe deposit box unless ordered by the court.  
50 The financial institution at which the safe deposit box is located shall  
51 not be responsible for monitoring activity in the safe deposit box or

52 insuring that the contents of the safe deposit box are removed in  
53 accordance with the requirements of this subdivision] special account  
54 established for the purpose, after taking reasonable measures to  
55 preserve the evidentiary value of such currency. Any secondary  
56 evidence of the identity, description or value of such currency shall be  
57 admissible in evidence against a defendant in the trial of a criminal  
58 offense. The fact that the evidence is secondary in nature may be  
59 shown to affect the weight of such evidence, but not to affect its  
60 admissibility.

***Statement of Purpose:***

To allow secondary evidence of seized currency to be admissible in a criminal trial.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*